

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:21-CV-00300-SCR**

BROOKE BRESNAN HILTON,	)
	)
Plaintiff,	)
	)
v.	)
	)
KILOLO KIJIKAZI,	)
Acting Commissioner	)
of Social Security,	)
	)
<u>Defendant.</u>	)

**ORDER**

**THIS MATTER** comes before the Court on “Plaintiff’s Motion for Attorney’s Fees Under § 406(b) of the Social Security Act” (“the “Motion”). (Doc. No. 17). In the Motion, Plaintiff’s counsel contends that she is entitled to attorney’s fees in the amount of \$19,800.00, which represents less than 25% of Plaintiff’s accrued back benefits, to be paid from Plaintiff’s back benefits pursuant to section 406(b) of the Social Security Act. 42 U.S.C. § 406(b). Defendant takes no position on the Motion. (Doc. No. 19).

The Court has reviewed Plaintiff’s Motion and supporting exhibits, along with Defendant’s Response, and finds that Plaintiff has established that she is entitled to attorney’s fees pursuant to 42 U.S.C. § 406(b), and that the amount requested is reasonable for the reasons outlined in Plaintiff’s Motion.

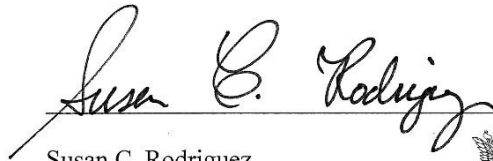
On May 9, 2022, the Court awarded Plaintiff \$4,850.00 in attorney’s fees under the Equal Access to Justice Act (“EAJA”), 28 U.S.C. § 2412. (Doc. No. 16).

**IT IS, THEREFORE, ORDERED** that “Plaintiff’s Motion for Attorney’s Fees Under § 406(b) of the Social Security Act” (Doc. No. 17) is **GRANTED**.

The Commissioner of Social Security is hereby **ORDERED** to pay to Plaintiff's counsel the sum of \$19,800.00 from Plaintiff's back benefits and Plaintiff's counsel shall refund the \$4,850.00 EAJA fee to Plaintiff.

**SO ORDERED.**

Signed: July 25, 2023

  
Susan C. Rodriguez  
United States Magistrate Judge

